

### **Steering Committee and Interested Observers**

To assist in the development of the BDCP, the Parties have formed a Steering Committee. The Steering Committee consists of representatives of the Fishery Agencies, other participating State and federal agencies, Water Contractors, Other Delta Water Users, and non-governmental organizations. The Parties expect that Steering Committee will be the principal forum within which key policy and strategy issues pertaining to the BDCP will be discussed and considered. The Parties intend that the meaningful exchange of ideas and viewpoints during Steering Committee meetings will help guide the development of the plan.

### Process

The Steering Committee will convene in regularly scheduled public meetings, and its proceedings will be facilitated by the Secretary's Office of the California Resources Agency. The Steering Committee may elect to form subcommittees and workgroups as it may deem appropriate to analyze issues in greater detail and to report back to the full Steering Committee. Members of the Steering Committee are encouraged to caucus between such meetings. Staff from DWR, Reclamation and the Fishery Agencies, and consultants retained by the Potential Regulated Entities, will work with the Steering Committee to provide technical expertise and share information for the development and implementation of the BDCP

### Decision Rule

With respect to those matters that are presented to the Steering Committee, the Parties agree that every effort should be made to have each such matter approved by a consensus of the members. Consensus is reached when a position reflects the predominant opinion of the Steering Committee members. In the event that a Steering Committee member opposes a decision which has substantial support, that member will propose an alternative which it may support for further discussion. The Steering Committee will make all reasonable efforts to prevent or resolve disputes. If consensus about a given matter is not reached the Parties will seek to make a decision by consensus among them.

### Points of Tentative Agreement

The Parties agree that preliminary agreements that are reached by the on specific issues during the negotiation process will be documented through the use of "Points of Tentative Agreement." Each Point of Tentative Agreement will include a brief description of the issue considered and the tentative agreement reached, and will be surnamed by each of the Steering Committee members. The Parties acknowledge that a Point of Tentative Agreement may be revisited by any member once viewed in the context of the overall BDCP. The Parties further recognize that the Fishery Agencies

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cannot pre-commit to any decision without providing the public with a reasonable opportunity to review and comment on the matter or conducting environmental review under NEPA and/or CEQA. As such, Points of Tentative Agreement will not represent such pre-commitments.

**Reserved Authority**

The Parties recognize that decisions made by the Steering Committee in the course of preparing the BDCP are preliminary and are not legally binding.

The Parties further recognize that several Parties have statutory responsibilities that cannot be delegated, and that no action of the Steering Committee or provision of this Agreement shall be construed to delegate or abrogate any of those statutory responsibilities.